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4th Law of Shale Plays Conference

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June 6-7, 2013

Hilton Fort Worth Hotel • Fort Worth, Texas

Keynote Luncheon Speaker

MIKE KRANCER

Former Secretary
Pennsylvania Dept. of Environmental Protection

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Highlights

- Intersection of PR and social aspects of shale plays and the law
- SEC implications for unconventional and fracking
- Challenges of endangered wildlife
- Fracing around the world
- Litigation and general counsel panels

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CONFERENCE CO-CHAIRS

David Poole
General Counsel
Range Resources Corporation
Fort Worth, Texas

Barclay Nicholson
Fulbright & Jaworski L.L.P.
Houston, Texas

“Timely materials,
knowledgeable
speakers”

“Topical - Government
is red hot for oil & gas
industry”

“The ethics speech was
great.”

– Past Participants

4TH LAW OF SHALE PLAYS CONFERENCE

Schedule

THURSDAY, JUNE 6

7:30 REGISTRATION

8:30 WELCOME, OVERVIEW AND INTRODUCTIONS

David Poole, General Counsel, Range Resources Corporation, Fort Worth, Texas

Barclay Nicholson, Fulbright & Jaworski L.L.P., Houston, Texas

8:45 PUBLIC RELATIONS AND SOCIAL ASPECTS OF SHALE PLAYS: HOW THEY INTERSECT WITH THE LAW

Oil and gas development in unconventional resources plays has brought oil and gas drilling and development close to many urban areas bringing a myriad of public concerns and issues.

Scott Segal, Bracewell & Giuliani LLP, Washington, D.C.

9:15 CHALLENGES FACED BY THE OIL AND GAS INDUSTRY TO PROTECT ENDANGERED WILDLIFE: DARTER FISH, PRAIRIE CHICKENS, AND SAGEBRUSH LIZARDS, OH MY!

The Endangered Species Act protects species who are in danger of extinction and conserves habitats on which endangered or threatened species depend. Developing oil and gas in areas where endangered species reside creates unique challenges to preserve the threatened species. What does the Endangered Species Act require? What are the oil and gas companies doing to protect these species?

Michael R. Goldman, Guida, Slavich & Flores, P.C., Dallas, Texas

Jesse Snyder, Law Clerk to The Hon. Jorge A. Solis, Dallas, Texas

9:45 BOLDLY FORECASTING OUR ENERGY FUTURE

Energy sources will continue to evolve and diversify as global energy demand surges. What is projected to be our primary fuel source in 2040? Will unconventional fuel supplies play a greater role in meeting energy demand? What will be the status of natural gas? What technologies will be used to develop our energy resources?

Kenneth P. Cohen, Vice President, Public & Government Affairs, ExxonMobil Corporation, Irving, Texas

10:30 BREAK

10:45 UPDATE ON STATE AND LOCAL REGULATION OF OIL AND GAS DEVELOPMENT

This presentation will provide a quick update on key developments regarding regulation of oil and gas operations at the state and local levels including bans on drilling moratoria, Pennsylvania Act 13 pre-emption issues, noise abatement, road usage, screening, permits, setbacks, and “best practices.”

Kevin Abbott, Reed Smith LLP, Pittsburgh, Pennsylvania

11:30 SEC IMPLICATIONS FOR UNCONVENTIONALS AND HYDRAULIC FRACTURING

The SEC has joined the ranks of federal and state legislators and regulators in taking a closer look at hydraulic fracturing. Media coverage of oil and natural gas drilling and hydraulic fracturing activities has cast doubt over the claimed productivity of natural gas wells and the accuracy of reported natural gas reserves. The SEC has issued subpoenas to several exploration companies and has begun formal investigations into the methods used to calculate and book gas reserves in shale plays. Companies can expect increased SEC scrutiny into a company’s reported performance of its shale gas wells, and whether projected performance and profitability is overstated to investors. Additionally shareholder groups have started to become more active. What should companies do to avert SEC scrutiny and possible penalties? Emphasizing transactional issues, we will look at the disclosures questioned by the SEC and discuss how to respond to these questions and those raised by shareholder groups.

Peter Stokes, Fulbright & Jaworski L.L.P., Houston, Texas

THURSDAY, JUNE 6 (cont.)

12:30 KEYNOTE LUNCHEON ADDRESS

Mike Krancer
Blank Rome LLP
Philadelphia, Pennsylvania
Former Secretary
Pennsylvania Department of Environmental Protection

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2:00 OIL & GAS LEASES IN THE ERA OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING

Standard oil & gas leases which were originally drafted with vertical wells and vertical technology in mind are now being modified for use in horizontal drilling and hydraulic fracturing operations. Lease provisions effectuating a horizontally severed mineral or mineral leasehold estate should be included in these updated leases. What are retained acreage clauses, continuous development, and horizontal Pugh clauses? How should the shut-in royalty clause be modified? This panel will explore from both the lessor and lessee perspectives how to negotiate these issues. The panel will also review the current status of litigation concerning royalty payments.

LESSOR [LANDOWNER] PERSPECTIVE:

Robert J. Burnett, *Houston Harbaugh P.C.*,
Pittsburgh, Pennsylvania

LESSEE PERSPECTIVE:

John K. Keller, *Vorys, Sater, Seymour and Pease LLP*,
Columbus, Ohio

3:15 SHALE WE FRAC AROUND THE WORLD: SHAPING THE WORLD'S NATURAL GAS MARKET

The Eagle Ford shale does not stop at the Rio Grande, and the Bakken does not stop at the Canadian border! There are 48 major shale basins in 32 countries outside the U.S. with technically recoverable resources of natural gas. This panel will discuss, investigate, and analyze the economics and legal issues surrounding the exploration, development, and production of natural gas from global shale basins in Argentina, Canada, Mexico, China, India, the United Kingdom, France, eastern Europe, and other areas around the world.

MODERATOR:

Barclay Nicholson, *Fulbright & Jaworski L.L.P.*, *Houston, Texas*

PANELISTS:

Walter R. Mayer, *ASenior AGC - Land and Litigation, Halcon Resources, Houston, Texas*

Hector A. Pineda, *Associate General Counsel - Unconventionals, Upstream Americas, Shell Oil Company - Legal Services U.S.*, *Houston, Texas*

Meghan Merman (*invited*), *Trican Well Services, Houston, Texas*

4:00 BREAK

4:15 GENERAL COUNSEL PANEL

This panel of senior industry lawyers will address the concerns of general counsel in operating and developing shale plays.

MODERATOR:

Barclay Nicholson, *Fulbright & Jaworski L.L.P.*, *Houston, Texas*

PANELISTS:

G. Kevin Cunningham, *Vice President and General Counsel Cabot Oil & Gas Corporation, Houston, Texas*

Regina Gregory, *General Counsel and Vice President, Access Midstream, Oklahoma City, Oklahoma*

William A. Hicks, *Vice President and General Counsel, FTS Inc., Fort Worth Texas*

5:30 ADJOURN

5:30 NETWORKING RECEPTION

Hosted by

**The Institute for Energy Law,
the Energy Section of the Dallas Bar Association and
the Energy Section of the Tarrant County Bar Association**

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FRIDAY, JUNE 7

8:15 INTRODUCTION

David Poole, *Conference Co-Chair, General Counsel, Range Resources Corporation, Fort Worth, Texas*

Barclay Nicholson, *Conference Co-Chair, Fulbright & Jaworski L.L.P., Houston, Texas*

8:30 LITIGATION UPDATE PANEL

This panel presentation will discuss the latest litigation impacting shale plays throughout the United States. What are the emerging litigation risks associated with shale plays?

MODERATOR:

Jeffrey C. King, *Winstead, P.C.*, *Fort Worth, Texas*

PANELISTS:

Mark D. Christiansen, *McAfee & Taft, Oklahoma City, Oklahoma*

Leland G. Horton, *Bradley Murchison Kelly & Shea LLC, Shreveport, Louisiana*

Gregory J. Krock, *Buchanan Ingersoll & Rooney, Pittsburgh, Pennsylvania*

Andrew D. Sims, *Harris Finley Bogle, Fort Worth, Texas*

9:45 **SHALE GAS AND NATIONAL SECURITY: SHOULD THE UNITED STATES EXPORT ITS SHALE GAS?**

How is shale gas or liquefied natural gas (LNG) exported? To what countries should it be exported? How much should be exported? Should the U.S. save the gas for future generations? Will the price of natural gas in the U.S. be affected by exports? What is the position of Congress, the White House, manufacturers, and environmental groups on LNG exports? Should attorneys be concerned about these issues?

Susan L. Sakmar, Visiting Assistant Professor, Andrews Kurth Energy Law Scholar, University of Houston Law Center, Houston, Texas

10:30 **BREAK**

10:45 **ENVIRONMENTAL ISSUES: RECENT AIR AND WATER REGULATIONS ON THE FEDERAL, STATE, AND LOCAL LEVELS; WATER ACQUISITION AND DISPOSAL UPDATE**

This panel will present the most recent developments in the application of state and federal environmental laws to oil and gas production and mid-stream operations, as well as providing an update on the ever-changing issues associated with acquiring sufficient water for hydraulic fracturing operations, and disposing of waste water.

EASTERN STATES:
R. Timothy Weston, K & L Gates, Harrisburg, Pennsylvania

WESTERN STATES:
Keith Hall, LSU Law Center, Baton Rouge, Louisiana

11:30 **CLOSE ENCOUNTERS WITH HYDRAULIC FRACTURING OPERATIONS**

How are communities, such as Midland, Texas in the Permian Basin, coping with the influx of people and industries to support the development of shale gas? What are the collateral aspects of shale gas development? Better employment and better wages are created during boom cycles, but what happens when the boom is over? How are housing, highways, education, health care, and public services (sanitation, water, fire and police departments) affected by the boom/bust cycles? This panel will discuss the pros and cons of oil and gas development and its effects on towns and cities and citizens.

MODERATOR:
David Poole, General Counsel, Range Resources Corporation, Fort Worth, Texas

PANELISTS:
James Beauchamp, President MOTRAN Alliance (Midland Odessa Transportation Alliance), Midland, Texas
Karr Ingham, President InghamEcon, LLC, Amarillo, Texas
Erica Levine Powers, Lecturer in Law, Department of Geography and Planning, Master of Regional Planning Program, University at Albany (SUNY), Albany, New York

12:15 **NETWORKING LUNCHEON**



1:45 **DRAFTING SURFACE DAMAGE AND OTHER OIL & GAS INFRASTRUCTURE AGREEMENTS**

Given budgetary constraints and ever-increasing oilfield traffic, counties and local municipalities in the Eagle Ford and other shale plays throughout the United States are increasingly looking towards oil and gas operators to help fund infrastructure repairs. This topic will focus on the issues creating damage to roads and other infrastructure, an overview of permitting requirements in Texas and other shale play states, causes of action that might be asserted relating to infrastructure damage, and legal considerations when settling a claim or entering a road repair agreement with a municipality or county. Special emphasis will be placed on drafting considerations relating to infrastructure repair agreements with governmental entities, contractors and subcontractors.

Jason Newman, Baker Botts LLP, Houston, Texas

2:30 **ETHICS - PROFESSIONAL RESPONSIBILITY ISSUES IN OIL, GAS AND ENERGY LAW PRACTICE - AN IN-HOUSE PERSPECTIVE**

Barry Thomas, Group Lead, Midcontinent Business Unit, Encana Oil & Gas USA, Inc., Houston, Texas

David Poole, General Counsel, Range Resources Corporation, Fort Worth, Texas

3:30 **ADJOURN**



2012 Law of Shale Plays Conference

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PAYMENT MUST ACCOMPANY REGISTRATION

GENERAL INFORMATION

CANCELLATION POLICY: Tuition less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by May 24, 2013. Email cburkel@cailaw.org. After this date, no refunds, but substitution of attendees for this program will be permitted. Registrants not entitled to a refund will receive the course materials.

HOUSING: The cost of housing is not included in tuition. However, rooms (in limited number) have been reserved at the Hilton Fort Worth Hotel, 815 Main St., Fort Worth, TX 76102. Registrants should call 1.817.870.2100 and advise them of group code CAI to receive a reduced room rate of \$149 + 17% occupancy tax. Reservations may also be made online by visiting <http://www.cailaw.org/institute-for-energy-law/events/2013/4th-law-of-shale-plays-conference.html>. The last day to obtain this special rate is May 15, 2013.

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PRESS POLICY: All IEL conferences are held under the Chatham House Rule. Participants, including journalists, are free to use any information received, but comments may not be attributed to any speaker identified by name or affiliation.

MCLE CREDIT: This program is approved by the State Bar of Texas for 11.75 hours, including 1 hour of ethics. Course ID Number: 901266250. Sign-in sheets and/or certificates of attendance will be available for ALL states.

SPECIALIZATION CREDIT: This program is approved by the Texas Board of Legal Specialization for 11.75 hours in the following area: Oil, Gas and Mineral Law

AAPL CREDIT: AAPL credit will be available.

REGISTRATION

4TH LAW OF SHALE PLAYS CONFERENCE

June 6-7, 2013

Hilton Fort Worth Hotel • Fort Worth, Texas

Registration includes the Conference, course materials on USB and online, continental breakfast, two luncheons and the networking reception.

Check applicable box:	Received by 05/24/13	Received after 05/24/13
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Add \$100 if you would like to receive the course materials in printed binder at the conference (in addition to CD and online).*

(*If not checked, limited handouts - powerpoint presentations & rosters - will be distributed)

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